

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 30542 of 2006(J)

PETITIONER:

SHYLA K.HAMEED, W/O.SHAHUL KHAN,
P.D.TEACHER, GOVT. V.H.S.S.,
THIDANAD, ERATTUPETTA, KOTTAYAM.

BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.

RESPONDENTS:

STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
(GENERAL EDUCATION DEPARTMENT),
SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX IN WPC.30542/06

PETITIONER'S EXHIBITS:

- EXT.P1: A TRUE COPY OF THE ORDER DATED 3.3.1999 SANCTIONING THE LEAVE.
- EXT.P2: A TRUE COPY OF THE CERTIFICATE DATED 2.3.2001.
- EXT.P3: A TRUE COPY OF THE GOVERNMENT ORDER DATED 15.3.2003.
- EXT.P4: A TRUE COPY OF THE JUDGMENT DATED 22.2.2006 IN WPC.26782/06.
- EXT.P5: A TRUE COPY OF THE ORDER DATED 20.7.2006.
- EXT.P6: A TRUE COPY OF THE STATEMENT OF FIXATION OF PAY.

TRUE COPY

A.K. BASHEER, J.

W.P.(C). NO. 30542 OF 2006

Dated this the 7th day of June, 2007

J U D G M E N T

Petitioner had availed of leave without allowance from June 23, 1998 to March 31, 1999 to pursue her study for B.Ed. Course. Leave was sanctioned and thereafter on completion of her studies she had rejoined duty. Petitioner takes exception to the Condition/Clause incorporated in the order granting her leave to the effect that she would not be entitled to get the service benefits for the period availed of by her as leave without allowance to pursue her studies.

2. Learned counsel submits that the issue is squarely covered in favour of the petitioner in view of the judgment of this Court in W.P.(C). No.26782/05 as well as in ***Deepika v. State of Kerala*** [2007 (1) KLT 71]. The prayer is to quash Ext.P1 to the extent it imposes the Condition referred to above and also to grant all consequential reliefs.

In the above facts and circumstances, the writ petition is disposed of with a direction to the respondent to reconsider

matter in the light of the two judgments referred to above. This shall be done as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment after affording sufficient opportunity to the petitioner to be heard. Petitioner shall produce a certified copy of this judgment along with a copy of the writ petition before the respondent for compliance.

A.K. BASHEER, JUDGE

vps

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OP NO.20954/00

JUDGMENT

1ST MARCH, 2007